

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Michael David Roberts, II,

Complainant,

**ORDER ON MOTION TO
PROCEED *IN FORMA PAUPERIS***

v.

AND

Minneapolis Public Schools,
Independent School District No. 1,

ORDER OF DISMISSAL

Respondent.

On June 8, 2012, Michael David Roberts, II, filed a Complaint with the Office of Administrative Hearings under Minn. Stat. § 13.085.

Accompanying that Complaint was a Motion from Mr. Roberts seeking leave to proceed *In Forma Pauperis* and thereby avoid the requirement to submit either the required filing fee or a bond.

Based upon the Complaint and the accompanying filings, and for the reasons set out in the attached Memorandum,

IT IS ORDERED THAT:

1. The motion to proceed *In Forma Pauperis* is **DENIED**.
2. The Complaint filed by Michael David Roberts, II, against the Minneapolis Public Schools is **DISMISSED WITHOUT PREJUDICE** to re-filing.

Dated: June 19th, 2012

s/Eric L. Lipman
ERIC L. LIPMAN
Administrative Law Judge

MEMORANDUM

While Mr. Roberts' family income would certainly entitle him to relief in other types of cases, in the view of Administrative Law Judge, Minn. Stat. § 13.085 does not admit any exceptions to the filing fee requirement – no matter how modest a Complainant's circumstances may be.

Aware that Minn. Stat. § 14.53 requires that state and local agencies only bear the costs of the services that are attributable to the services that they use, the Minnesota Legislature established the \$1,000 fee requirement in Minn. Stat. § 13.085. The intended purpose of setting a filing fee at a level 20 times the amount of OAH's ordinary filing fee, was to cover, if need be, all of the costs of resolving a data practices dispute.¹ The \$1,000 filing fee was established by the Legislature for the purpose of avoiding cross-subsidization of data practice disputes by those who were not parties to these disputes.

Requiring the remittance of a large filing fee, or a bond, as a condition of hearing his claim, does not leave Mr. Roberts without any possible relief. *In Forma Pauperis* is available for a wide range of matters in the District Courts and Minn. Stat. § 13.08 provides a robust set of remedies to those who have been aggrieved by violations of the Minnesota Government Data Practices Act.

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¹ Minn. Stat. § 13.085, subd. 6 (c) ("The office shall refund the filing fee of a substantially prevailing complainant in full, less \$50, and the office's costs in conducting the matter shall be billed to the respondent, not to exceed \$1,000").